

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of May 18, 2006 be extended three months, from August 18, 2006 to November 20, 2006 (November 18 being a Saturday).

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

APPLICANT ARGUMENTS OR REMARKS

Claims 1-18 are now in the application. Claims 1, 10, 17 and 18 are amended. Claims 1, 10, 17 and 18 are independent claims.

The Claim Objection

On page 2 of the Office Action, the Examiner objected to claim 18 for a lettering informality. Applicant has amended claim 18 in accordance with the Examiner's suggestion.

The Present Invention

The present invention is directed to control area selection and a computing device with a graphical user interface, in which each of several different selectable control areas is associated with a different color in a color mask stored in the device memory. The color mask is made up of separate regions, each of which correspond to one of the control areas and each of which are colored using a different one of the unique colors. Each of the device control actions is represented by a different one of the colors using a predefined look up table. Thus, instead of making a loose rectangular approximation to a control key or button, as is done in the prior art, the present invention uses a color mask with a region preferably exactly corresponding in shape and size to that of the control key or button to be created and stored in memory. Each region is completely filled with a different color.

U.S. Patent No. US 4,847,604 to Doyle

U.S. Patent No. 4,847,604 to Doyle (“Doyle”) teaches a computer graphic interface that allows a user to obtain descriptive information concerning a feature of a displayed image by pointing to the location of the feature. The portion of Doyle cited by the Examiner, specifically, column 8, lines 11-26, relates to the identification of a particular pixel address utilizing color-map identifiers.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *prima facie* Case of Anticipation

The claimed invention is not taught by Doyle. Doyle is directed to the identification of a particular pixel address on a display utilizing color map identifiers. Nothing in Doyle remotely teaches or suggests the representing of each of a set of device control actions by a different color from a set of unique colors using a predefined look up table, associating each of a plurality of selectable control areas of a display with one of the different colors in a color mask and establishing the control area and the device control action which is associated with the same color as a retrieved color. These elements are expressly claimed in each of the independent claims. Thus, since these claimed elements are not taught or suggested by Doyle, and since each of these elements are claimed in the independent claims, all of the

claims patentably define over Doyle and are in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-18 over Doyle.

Summary

In view of the foregoing amendments and remarks, applicant respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1-18 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

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